IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Bail Appl..No. 3471 of 2007()

S.T. NO. 278/2005 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOZHIKODE

PETITIONER/ACCUSED

R.M.SAILESH KUMAR, S/O.KARUNAKARAN,
SREEPADAM, RAMUNNY ROAD,
KARAPARAMBA P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.WILSON URMESE

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
(REPRESENTING SUB INSPECTOR OF POLICE,
NADAKKAVU POLICE STATION).

BY ADV. SRI. P.N. SUKUMARAN, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.3471 of 2007

DATED:5-6-2007

O R D E R

Petitioner who is the accused in S.T.NO.278/2005 of JFCM I, Kozhikode for an offence punishable under Sec.190 Cr.P.C. r/w secs.138 and 142 of the Negotiable Instruments Act seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in S.T. No.278/2005 on the file of the J.F.C.M I, Kozhikode, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

V.RAMKUMAR, JUDGE

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